

C O P Y

in opinion

247 M

May 31, 1955

NEW HAMPSHIRE LAW LIBRARY

SEP 22-1998

Honorable Frederick N. Clarke
Commissioner of Motor Vehicles
Concord, New Hampshire

CONCORD, N.H.

Dear Commissioner:

You have inquired by letter of May 16 whether a justice of a municipal court in this state, having upon his docket a case which remains pending in part and upon which final findings have not been made, may, in his discretion, make such further findings followed by suspension of the fine, in order to clear the court docket?

You are respectfully advised that in my opinion any court has such inherent judicial power. The constitutional powers of the judiciary under the doctrine of separation of powers include the inherent authority to determine under what circumstances court shall impose sentences, together with the broad authority granted to any court to suspend sentence by force of Laws 1951, chapter 224, section 6. Such powers are not an infringement on the pardoning power of the executive. Cf., Couture v. Brown, 82 N. H. 459. Furthermore, the general superintendence of all lower courts is vested in the Supreme Court of this state by Revised Laws, chapter 369, section 2.

Sincerely,

Louis C. Wyman
Attorney General

w/d